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The First Legislators of Upper Canada

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IV.—*The First Legislators of Upper Canada.*

By C. C. JAMES, Toronto, Ont.

(Communicated by Sir John Bourinot, and read May 27, 1902.)

In the terms of capitulation at Montreal, in 1760, Ontario was referred to as "le pays d'en haut" (the upper country). Three years later (10th February, 1763) the formal transfer took place under the Treaty of Paris, in these words:

"His most Christian Majesty cedes and guarantees to his said Britannic Majesty, in full right, Canada with all its dependencies, as well as the Island of Cape Breton and all the other islands and coasts in the Gulf and River St. Lawrence."

There was no attempt at defining the western boundaries or limits of Canada; there was no necessity for further definition; the people of Canada were understood to be those living in immediate relationship to Quebec, Three Rivers, and Montreal. On the 7th of October of the same year, however, a Royal Proclamation was issued which fixed the limits of Quebec as follows:

"The Government of Quebec, bounded on the Labrador Coast by the River St. John, and from thence by a line drawn from the head of that river through the Lake St. John to the south end of the Lake Nipissing; from whence the said line, crossing the River St. Lawrence and the Lake Champlain in forty-five degrees of north latitude, passes along the highlands which divide the rivers that empty themselves into the said River St. Lawrence from those which fall into the sea; and also along the north coast of the Baye des Chaleurs and the Coast of the Gulf of St. Lawrence to Cape Rosières, and from thence crossing the mouth of the River St. Lawrence by the west end of the Island of Anticosti terminates at the aforesaid River St. John."

Allowing for some incongruities in these lines we find that by this proclamation the part of Ontario lying east of a line drawn from Cornwall to the south-western end of Lake Nipissing was then included in Quebec.

By the Quebec Act of 1774 the boundaries were carried westward to include the remainder of Ontario to the Great Lakes and also a portion of the present United States lying east of the Mississippi and north of the Ohio River.

Two years later came the outbreak of the Revolutionary War. By the settlement in the Treaty of Paris, 3rd September, 1783, the land to the south and west of the Great Lakes was cut off from

Quebec and the boundary line fixed through the lakes and the connecting rivers.

Then began the locating of the Loyalists, the settlers coming in more rapidly than the surveyors could run their lines. The settlements were made in four somewhat distinct groups, which may be named, for convenience, the St. Lawrence, the Bay of Quinté, the Niagara, and the Detroit. Before referring to these in particular it may be well to state that discharged loyalist soldiers formed the nucleus of every settlement. As a rule the various regiments were allotted separate townships and at first took up land together, accompanied by most of their officers. Each loyalist regiment had, as a rule, been raised within a certain area of the neighbouring States, so that the various townships were settled by little groups of persons who had come from the same section, were fairly well acquainted with one another, and to a certain extent were inter-related by marriage. The result of this was to reproduce here the characteristics of their original home districts, and to give an individuality to each township. There was a variety in the make-up and therefore in the views and modes of life of the component township parts of these districts that is sometimes not fully recognized by writers and students of early times. Interesting fields of investigation await the historian and novelist in the study of the first Highland Scotch settlements, the German, the Dutch, and even the French Canadian settlements, and a visit to these parts to-day will show that they have not yet lost all of their early peculiarities. I stated that the officers, as a rule, settled along with their disbanded regiments. It was to be expected that these men who had been their leaders for seven or eight years should take the lead also in these various districts, and that when the time came for the choosing of legislators some of them should be selected as their representatives.

A few words now as to these four settlements. We begin at the east with the St. Lawrence section. Lancaster, the first township lying next to the old seigniory of New Longueuil, was passed by, for it was low and marshy, and hence was called "the sunken township." Beyond this, eight townships fronting on the river were surveyed, each one known as "No. so-and-so below Cataraqui."

Charlottenburg (No. 1) was settled by Scottish Highlanders, Roman Catholics; Cornwall (No. 2) and Osnabruck (No. 3) by Scottish Presbyterians; Williamsburg (No. 4) and Matilda (No. 5) by German Lutherans from Northern New York. Edwardsburg (No. 6), Augusta (No. 7) and Elizabethtown (No. 8) were more mixed in their composition. For fuller study of the five counties forming the St. Lawrence district, the various local histories may be consulted.

The Bay of Quinté District.—Beginning at Kingston, ten townships were surveyed around the Bay of Quinté, each one known as “No. so-and-so above Cataraqui.” Here settled the second Battalion of Sir John Johnson’s Royal New York Regiment, Major Rogers with his King’s Rangers, Capt. Grass with his band from New York City, Major Van Alstine with his batteau men, a part of Jessup’s Rangers, a small body of the Hessian Mercenaries, and a small but important body of Quakers from Dutchess County, N.Y. The Scottish element was not so prominent as in the St. Lawrence townships, but German and Dutch permeated the whole district. The student will also find two other interesting elements, though somewhat limited in numbers, namely, German-Irish, or Irish-Palatines, and French Huguenots.

At Niagara, settlement received an impetus because the fort on the eastern bank had remained in British hands and had been a haven of refuge for the loyalist families of the Mohawk valley. The discharged soldiers sought out their wives and children and crossed the river to take up the frontier lots of the newly surveyed townships of the peninsula. Butler’s Rangers formed an important part of these first settlers, who soon occupied the townships from about where Hamilton now stands, to Long Point.

In the western district Detroit formed the headquarters, and here we find three interesting elements,—the British regulars and their officers; the French Canadians, descendants of the pioneer French families; and the British officers who had led the Indians in the wild western warfare that swept the forests from Mackinac to Pittsburg. When the time comes for this district to produce magistrates and representatives, we may expect them to come from these three classes.

Across from the old French settlement at Detroit, in 1747, was established the Indian Mission, and about it there gradually grew up a French settlement with Sandwich (L’Assomption) as its centre, an offshoot of old Quebec, where the French language still is spoken and where the French Canadian mode of life still prevails. On the shores of Lake Erie, westward from where Kingsville now stands, 97 lots were surveyed, and on these a mixed body of loyalists were settled, among them being some of Butler’s Rangers. The Western or Detroit District then consisted at first of three settlements. Detroit, on the American side, the French Canadian settlement among the Indians about Pointe de Montreal, and the “two-connected townships” (Gosfield and Colchester) on Lake Erie. The township of Malden had few settlers until 1796, when Detroit was evacuated and Fort Amherstburg was erected to command the river. About the same time the lots along the River Thames began to be taken up.

It will now be seen that the people of the province were arranged in four groups, and when it became necessary to establish courts and land boards in 1788-89, the limits of the districts were easily determined as follows:—

Lunenburg, from Lancaster Township to the Gananoque River.

Mecklenburg, from the Gananoque to the Trent.

Nassau, from the Trent to the eastern end of Long Point.

Hesse, from Long Point to the Detroit.

Perhaps it may be well to state also the vacant or but sparsely settled frontier sections. They were as follows: A somewhat narrow section between Gananoque and Kingston; the Lake Ontario region from Trenton to Hamilton; the central portion of the Lake Erie section.

As the population extended and grew, both by the large natural increase peculiar to those early days, and also by the coming in of those who are sometimes called the later loyalists, as well as by the coming of some who had fought on the side of the Revolutionists, it was natural that there should arise a desire that this western part of Quebec be separated from the older portion of the province, where French laws and methods prevailed. Without stopping to discuss the agitation that soon sprang up over this question, we came down to the passing of the Constitutional Act of 1791, providing for the division of Quebec. On the 18th of November of that year, Lieut.-Governor Alured Clarke issued his proclamation, fixing the boundary line between Upper and Lower Canada to take effect on the 26th December, 1791. Lieut.-Col. John Graves Simcoe arrived early in the new year to take his office as Lieut.-Governor of Upper Canada.

The Constitutional Act provided that the Parliament should consist of two bodies, a Legislative Council to consist of not fewer than seven members appointed by the Crown, and a Legislative Assembly to consist of not less than sixteen members elected by the people. The following, therefore, would be a statement of the governing bodies of the country:—

The Governor-General of Canada (Lord Dorchester).

The Lieut.-Governor of Upper Canada (Lt.-Col. Simcoe).

The Executive Council (the executive, corresponding to a cabinet of ministers in these days, all appointed by the Crown).

The Legislative Council (corresponding to our Senate).

The Legislative Assembly (the elected representatives of the people).

Lord Dorchester had sent home a list of persons suitable for the Executive Council from which a selection had been made. We are told that Simcoe was delayed some months at Quebec awaiting a quorum of his new advisers, with whose assistance he wished to decide upon the basis of representation in the new Legislature. While at Quebec (Feb.

7th, 1791,) he issued a proclamation as to the conditions of sale of Crown Lands. Beyond this we have as yet little or no record as to his doings while at Quebec. Probably he was renewing acquaintances with some of his old associates of the Queen's Rangers, and gathering information as to his new province.

With the early summer he started westward, and on July 8th, reached Fort Frontenac or Kingston. After the swearing in of the following members of his Executive Council he began formal deliberations:—

William Osgoode	sworn in	9th	July,	1792.
James Baby	" "	9th	"	1792.
Peter Russell	" "	9th	"	1792.
Alexander Grant	" "	11th	"	1792.

William Robertson had been selected as a member, but he does not appear to have been sworn in or to have taken his seat. Trying to make up for lost time, the Council met even on Sundays, and after 8 days' deliberation the proclamation of July 16th, was put forth. This proclamation dealt with two things: First, it divided the province into 19 counties: second, it provided for the selection of 16 members of the Legislature by the residents of these 19 counties.

The following notes of procedure are to be found in the Archives of Canada for 1891. They supply some interesting information as to how the work proceeded:—

Minutes of meetings at Kingston, 8th July, 1792.—Proclamation that Dorchester is appointed Governor-General of Upper and Lower Canada, and Simcoe Lieutenant-Governor of Upper Canada read and Simcoe takes the prescribed oaths.

Minutes, 9th July.—Executive Councillors Osgoode, Baby and Russell take the oaths and their seats. Littlehales, appointed Clerk of the Council, and Jarvis, the Secretary of the Council, take the oaths. Instructions read (embodied in minutes in full).

Proclamation ordered for continuing judges and other civil officers in their employments.

Minutes, 10th July.—Militia returns laid before the Council, which proceeded to divide the Province into counties to provide for representation.

Minutes, 11th July.—Grant took the oaths and his seat as a member of the Executive Council. The division of the Province resumed.

Minutes, 12th July.—Division of the Province continued.

Minutes, 13th July.—Same business resumed.

Minutes, 14th July.—Division resumed.

Minutes, Sunday, 15th July.—Division concluded; proclamation to bring it into effect ordered; as also a proclamation to call together a legislature.

Minutes, 16th July.—Writs of summons to the Legislative Council issued to the following: William Osgoode, Chief Justice; James Baby, Richard Duncan, William Robertson, Robert Hamilton, Richard Cartwright, Jr., John Munro, Alexander Grant, Peter Russell.

Edward Burns took the oath as Clerk of the Crown, and Richard Pollard and Alexander McDonell took the oaths as Sheriffs.

Minutes, 21st July.—Additional proclamation issued respecting the continuation of civil officers in judicial and ministerial employments.

This proclamation was issued before a printing press was established in Upper Canada. I understand that it was sent to Montreal to be printed, and a copy of it is to be found in the department of the Secretary of State at Ottawa. Two points in connection with it may be mentioned. In the Quebec Gazette of the 9th August, 1792, appears the following news item:

“Letters Patent dated the 9th of July have been issued by His Excellency Lieutenant-Governor Simcoe, dividing the Province of Upper Canada into counties, etc., and apportioning the representation thereof. The following are the names of the Counties, with the number of representatives they send to the House of Assembly, viz.: Glengarry, 2; Stormont, 1; Dundas, 1; Grenville, 1; Leeds and Frontenac, 1; Ontario and Addington, 1; Prince Edward, 1; Lenox, Hastings and Northumberland, 1; Durham and York, 1; Lincoln, 1; Norfolk, 1; Suffolk and Essex, 1; Kent, 2; making in the whole 19 counties and 15 representatives.”

The question at once arises as to how the official organ at Quebec made the mistake in reporting the decision of the Lt.-Governor and Council. It appeared one month after the decision of the Executive. Does it represent the views of Simcoe before he left Quebec, which views were changed after discussing the situation with the Upper Canada Councillors? Was it the Council's first draft, or was it merely a news item sent down by some correspondent who was not exact in his statements?

The second point is that the proclamation must have been scarce and not readily available. The first time it appears in the Journal of the Legislature is on the 31st December, 1821, where it was placed on record by resolution of the House. It does not appear in the earliest printed collection of Statutes, but it is to be found for the first time, and, I am of opinion, for the only time in available form, in the volume of Statutes issued at Kingston in 1831, by Thompson and MacFarlane.

Now let us give a list of the counties beginning at the extreme west:—

Kent, Essex, Suffolk, Norfolk, Lincoln, York, Durham, Northumberland, Hastings, Prince Edward, Lennox, Addington, Ontario, Frontenac, Leeds, Grenville, Dundas, Stormont, Glengarry.

The nineteen counties may be arranged in two groups, the first consisting of eight, the second of eleven. The first eight, Kent to Northumberland, in the order given, are also the names of the eight eastern counties of England; the townships making up these eight counties were named after important towns in the similar counties of England. Thus Newark, the name then given to the township and the settlement in which the Legislature was to be convened, was so-called after the town of Newark in Lincolnshire.

The next question that presents itself for our consideration is, who were the men selected by our people as their representatives, and what ridings did they represent? This election took place only 110 years ago; it was the first legislature of the province that was to be formed. One would think that it would be easy to turn up some record that would give us this information, but I could not find it, and I decided to try to work out the answer to this question, and this paper is the result. It will, I think, be admitted that we should if possible, determine who were the first representatives and whom they represented. Every printed record that I have found is either incomplete or incorrect. The writers of our history have told us what these men did, but they have told us very little as to who they were. The first printed list that I have found in our historical works is contained in Dr. Canniff's *Settlement of Upper Canada*, published in 1869, and the writers since have copied it in its incomplete or only partially correct form. It would take too much space to recount the interesting search that has been made for the facts that are to follow.

To show further what meagre material we have to work on, it may be stated that the first legislature held five sessions as follows, at Newark or Niagara:—

1st session,	17th September	to	15th October,	1792.
2nd	“ 31st May	to	9th July,	1793.
3rd	“ 2nd June	to	9th July,	1794. -
4th	“ 6th July	to	10th August,	1795. -
5th	“ 16th May	to	3rd June,	1796.

Of these five sessions we have very condensed typewritten reports or journals of the 1st and 2nd. There is no record available here or in England of the 3rd, 4th and 5th. What became of the reports sent home by Simcoe? The journals of the Legislative Council are missing for the same years as those of the Assembly, and the surmise has been offered that the vessels carrying these records may have been captured by French corsairs, in which case search in the archives of Paris might bring interesting results. It may be that some day they

will be resurrected from their long sleep in some dusty pigeon hole in old London.

Glengarry.—This county then included the present county of Glengarry, and also the land north to the Ottawa in the county of Prescott. The first riding included the township of Charlottenburg (formerly called No. 1), and the second riding comprehended the rest of the county. The latter therefore would include the few settlers in Lancaster and those residing in the rear of the county as far as the Ottawa River. The two members selected were the brothers, John Macdonell and Hugh Macdonell.

The Macdonells of Aberchalder came out to America at the solicitation of Sir William Johnson and received grants of lands in the Mohawk Valley. Alexander Macdonell, the father, had been an aide-de-camp to Prince Charles Stuart in 1745. Sir John Johnson raised in New York the celebrated body of Loyalist soldiers known as the King's Royal Regiment of New York (Johnson's Royal Greens), Alexander Macdonell became captain of the first battalion of this regiment. His brother also was an officer in the regiment. Their sons followed in their fathers' footsteps and enlisted in the same regiment, in the Royal Highland Emigrant Regiment, and in Butler's Rangers.

John Macdonell, after serving as lieutenant in the 84th, or Royal Highland Emigrant Regiment, was, for five years and ten months captain in Butler's Rangers. When the Royal Canadian Volunteer Regiment of Foot was organized in Canada in 1796, John Macdonell was appointed lieutenant-colonel of the 2nd battalion. This was the first corps raised in Upper Canada. The first battalion was raised in Lower Canada under Lieutenant-Colonel de Longueuil and Major Louis de Salaberry.

The younger brother, Hugh Macdonell, was lieutenant in the 1st Battalion of the King's Royal Regiment of New York, and served in that corps for seven years. When the R. C. Volunteers were organized, Hugh Macdonell commanded a company under his brother, Col. John. He was shortly after appointed captain in the 2nd Battalion, and in 1803, was Lieutenant-Colonel of the Glengarry Militia Regiment, of which John was Colonel. Mr. J. A. Macdonell states that "he was appointed by Lieutenant-Governor Simcoe to be First Adjutant-General of Militia in Upper Canada, and was the founder of our militia system." The two brothers settled in Glengarry along with the other Scottish soldiers, and were selected as the representatives of that county. Mr. J. A. Macdonell, in his book on Glengarry, states that Hugh was member for the First Riding. His name

appears frequently in connection with the surveys and settlement of the first townships in his section.

John Macdonell was chosen Speaker of the Legislature when it met in session at Newark in September, 1792. He continued as a member for Glengarry in the second legislature, 1796-1800, but his brother Hugh was succeeded by Captain Wilkinson. Hugh Macdonell was in 1805 appointed Assistant Commissary-General at Gibraltar, through the recommendation of H.R.H. the Duke of Kent, and later (1811 to 1820), Consul-General at Algiers. Sir Alexander Macdonell and Sir Hugh Guion Macdonell, who have both won distinguished honour in the Imperial service, are his sons.

Lieutenant-Colonel Chichester Macdonell was a brother of the two members. After serving as lieutenant in Butler's Rangers he followed the British service abroad, was under Sir John Moore at Corunna, and died in India, leaving behind a worthy record.

But the relationship of this family to our early legislatures is not yet all told, for a sister of the three brothers was married to Alexander Macdonell of Greenfield, and two of their sons represented Glengarry in the Legislature of Upper Canada, Lieutenant-Colonel Macdonell, who fell with Brock at Queenston Heights, and Lieutenant-Colonel Donald Greenfield Macdonell.

Before passing on to the next riding, it may be worth calling attention to the fact that the first Speaker of the first Legislature of Upper Canada was a Roman Catholic, for at that time such a selection could not have taken place in the Legislature of Nova Scotia. The date of his death is uncertain, but he died at Quebec, and his remains lie buried under the Roman Catholic cathedral of that city.

Stormont.—This county consisted of the townships of Cornwall and Osnabruck and all north to the Ottawa River. One member was to be selected and the man first chosen was Lieutenant Jeremiah French, who had served seven years in the 2nd Battalion of the King's Royal Regiment of New York. The French family are supposed to have come from Manchester, England. They settled in Vermont and occupied a farm whereon Manchester, Vermont, now stands. There were two brothers, Jeremiah and Gershom. On the breaking out of the war, they enlisted as loyalists. Jeremiah French appears to have been a man of importance in Vermont; he had a large holding of land and was at one time High Sheriff at Manchester. His wife (Elizabeth Wheeler) was true to British rule, and after her husband departed for Albany, it was considered advisable by the Revolutionists to expel her from the State on account of her outspoken loyalty. Jeremiah French's property had been seized by the State, and now part of the chattels were sold to pay for her transportation. Then with

a few belongings she was taken to the frontier and sent on to the British camp.

Gershom French, the brother of the member, lived at Coteau Landing, and under direction of the Governor, made some exploration of the country between Kingston and Ottawa.

Lieutenant Jeremiah French drew lands in Cornwall and in Montague. He was an intimate friend of Bishop Strachan. Benjamin French, son of Jeremiah, and Dr. Strachan, were married to sisters, daughters of Dr. Wood, an English army surgeon. We shall close our account of Lieutenant French by referring to the sad accident that happened while he was entertaining the Duke of Kent: A turkey shoot was in progress, and just as Mr. French was about to fire, his daughter crossed in front, and was shot dead upon the spot. His successor was Robert I. D. Gray, who was drowned in 1804 in the lamentable shipwreck of *The Speedy* off Presqu'isle.

Lieutenant French died in 1805, and was survived several years by his widow.

(For these particulars I am indebted to his descendant, F. J. French, Esq., K.C., of Prescott.)

Dundas.—This county consisted of Williamsburgh and Matilda townships, and all lying to the north as far as the Ottawa. The member chosen was Alexander Campbell. Of this member we know but little. Croil, in his History of Dundas, says, that he left behind him an unenviable reputation for veracity, but whether this was merely in the political sense or not, we do not know. He appears to have left the riding and moved to Montreal. His name does not appear in the list of members published in the Quebec Almanac for 1796. This list, of course, must have been made up and printed in 1795, before the expiration of the first legislature. He was present, however, at the first and second sessions. His successor in the second legislature was Colonel Thomas Fraser, of Matilda.

Grenville.—This county was composed of the townships of Edwardsburgh and Augusta, and the lands to the north as far as the Ottawa River. The western part of Carleton and the south-eastern part of Lanark therefore were then included in Grenville, but practically all the settlers were in the two front townships. Ephraim Jones was chosen as member for Grenville. At the same time he was a member of the Land Board for Leeds and Grenville. Josiah Jones came to Boston in 1665 and settled at Weston, Mass., where he died in 1714. His grandson, Elisha Jones, had a numerous family, fourteen sons and one daughter. The family records have it that all these children came to British territory at the time of the Revolutionary War, some settling in New Brunswick and in Nova Scotia,

and some in Upper Canada. Ephraim was the tenth son. He settled in Augusta township, where he was long known as "Commissary Jones," through his having charge of the Government stores. He married a Miss Coursoll, of Montreal, and had four sons and four daughters as follows:

1. Charles, born 1781, was a miller and merchant, and began the settlement at Brockville, where he died in 1840. He was member for Leeds from 1820 to 1828, and was afterwards appointed a member of the Legislative Council.

2. William owned mills at Beverley (now Delta). He died at Brockville in 1832.

3. Jonas, a pupil of Dr. Strachan, studied law, was appointed Judge, and in 1837 was made Judge of the Queen's Bench. He died at Toronto, in 1848. His eldest son, David Ford Jones, was member for Grenville for three terms, 1816-1828, and again chosen in 1836.

4. Alpheus was Collector of Customs and Postmaster at Prescott, where he died in 1863.

5. Charlotte married L. P. Sherwood, afterwards Judge of the Queen's Bench.

6. Sophia married Andrew Stuart.

7. Lucy married Dr. Hubbell, of Brockville.

8. Eliza married H. J. Boulton, of Toronto, at one time Governor of Newfoundland.

Ephraim Jones was succeeded as member in 1786 by Dr. Solomon Jones who had been a surgeon in Burgoyne's Army, and who also had settled in Augusta. There were two well known but unrelated families of the name of Jones in Grenville county. Solomon was one of four brothers — Daniel, Solomon, David and John — who came to Upper Canada from Fort Edward, New York. Two other brothers were killed in the war, and a seventh settled in Nova Scotia. Daniel was, along with Charles Jones, son of Ephraim, one of the founders of Brockville. He was the father of Daniel Jones, who was knighted. His other son, David Jones, was member for Leeds, and was appointed registrar and judge. David Jones, brother of Solomon, was the prospective husband of Jane McCrea, who was murdered by the Indians in northern New York, and whose death played an important part in the Revolutionary War.

(For most of these facts in regard to the Jones family I am indebted to Leavitt's "History of Leeds and Grenville.")

Leeds and Frontenac counties included the townships at present contained therein, together with all the land north to the Ottawa River. These two together were entitled to one member. The

reason for this will be evident by recalling what was stated before as to the vacant land between Kingston and Gananoque. John White was selected as the first member. He came out from England in 1792, probably along with Simcoe, who appointed him Attorney-General. That he represented Leeds and Frontenac we know from one of Simcoe's letters, an extract from which appears in the Archives of Canada for 1891, p. xxii., as follows:—

“In my passage from Montreal to Kingston, I understood that the general spirit of the country was against the election of half-pay officers into the Assembly, and that the prejudice ran in favour of men of a lower order, who kept but one table, that is, who dined in common with their servants. It was by great good fortune that the temporary residence I made at Kingston created sufficient influence to enable us to bring the Attorney-General, Mr. White, into the House.”

Mr. White was succeeded in the Legislature, in 1796, by Captain Jessup. He was shot in a duel with Mr. Small, clerk of the Executive Council, on January 3rd, 1800, and died the following day.

Addington and Ontario.—Addington included Ernestown or township No. 2, and all the land north to the Ottawa. Ontario was an island county consisting of Amherst, Gage, Wolfe, Howe and all other islands east to the Gananoque River. The remainder of the thousand islands east of the Gananoque River were attached to the several counties in front of which they were situated. It might be mentioned here that Amherst Island formed part of the estate of Sir John Johnson. Addington and Ontario were entitled to one member, and Mr. Joshua Booth was selected.

Joshua Booth's early history is, like that of most early settlers of Upper Canada, largely of a traditionary nature. His ancestors were English and were settled in Orange County, New York. At the outbreak of the Revolutionary War the family divided, Joshua taking the British or Loyalist side. (On the U. E. L. list he was reported as a sergeant.) He settled in Ernestown and shortly afterward became proprietor of the King's Mill, situated west of Kingston, on what is now known as Mill Creek. There is a story that after the war, his mother came from New York State by the Champlain and St. Lawrence to visit him. She was accompanied by negro slaves and her object was to convey to him a bag of gold, doubtless the result of some family division of property. During the war of 1812, Joshua Booth and his two sons saw service, the father as captain. The mother when condoled with for the absence of her two sons, flashed out: “Indeed, and I wish I had more to send.” This Spartan mother was Margaret Fraser, daughter of Daniel Fraser, U. E. L.

Joshua Booth's death was tragic. Though a soldier and a fighter, the sight of blood overcame him. During an engagement he was thrown into a state of catalepsy, and died on October 31st, 1813, from loss of blood; or, as some assert, he was by mistake buried alive in the hurry of the affray. He was survived by his widow and ten children.

In 1796 Joshua Booth was succeeded as representative by Christopher Robinson, who died November 2nd, 1798. William Fairfield, of Bath, was chosen in June, 1800, to complete the unexpired term (two sessions). The latter was the grandfather of the wife of Marshall Spring Bidwell.

Lenox, Hastings and Northumberland.—The county of Lenox (this is the original spelling) included the present townships of North Fredericksburg, South Fredericksburg, Adolphustown and Richmond, Hastings included all the townships in the present county, together with all the land lying north as far as the Ottawa, and the small islands in the bay and river Trent lying nearest to it. Northumberland included the townships in the present county as far north as the Mississaga Indian lands. The settlers in 1792, were located principally in the townships on the bay. The proclamation provided that these three counties, with Adolphustown excepted, should together elect one member. The man chosen was Lieutenant Hazleton Spencer. He was the eldest son of Benjamin Spencer, and was born at East Grenville, Rhode Island, on 29th August, 1757. About ten years later the family moved to a grant of land on the Winooskie River, Vermont. The father was elected a member of the Provisional Assembly or Congress to decide the course of the State in connection with the revolutionary troubles. He stood out for British rule, and, consequently, had to flee. He joined Burgoyne's Army, was present at the battle of Bennington, and died shortly after at Ticonderoga. Hazleton Spencer, the son, joined the King's Royal Regiment of New York, and was at one time a prisoner with the rebels. He was made lieutenant in the 2nd battalion and on the disbanding of the regiment settled on a tract of land in Fredericksburg, on the bay shore near Conway.

He was married to Miss Margaret Richards. There were born six sons and three daughters, the baptisms of which appear in the Langhorn Registers, published by the Ontario Historical Society (Papers and Records, Volume I, 1899).

The late Rev. Canon Spencer, through whom this information was procured, was the son of Dr. Benjamin Conger Spencer, the eldest son of Lieut. Hazelton Spencer.

When the second Battalion of the R. C. Volunteers of Foot was raised by Colonel John Macdonell, Hazelton Spencer was appointed

Major. From 1797 to 1803, he was commandant of the garrison at Kingston, and, it is said, was a great personal friend of Dr. Strachan, with whom he was wont to hold lengthy heated discussions. He was the County Lieutenant of Lennox, and was actively preparing for the war with the United States when he died suddenly in February, 1813. He was buried with military honours on his own farm. Lieutenant Spencer was an ardent supporter and upholder of the Anglican Church.

Prince Edward and Adolphustown.—The county of Prince Edward was of the same extent as it is to-day. It was divided into three townships—Marysburgh (No. 5), Sophiasburgh (No. 6) and Ameliasburgh (No. 7). These townships contained the overflow from across the bay of Sir John Johnson's soldiers. Here also (in Marysburgh) were located the little band of Hessians, and in these townships some of the officers drew large areas of land. Among others may be mentioned Major James Rogers, Major Peter Vanalstine and Captain Archibald McDonell. To make the representation fair, Adolphustown was detached from Lennox and added to Prince Edward. Though separated by the Bay, it should be remembered that the main road to York passed through Adolphustown and crossed at the point by ferry to Prince Edward County shore, whence it ran on to the carrying place.

Adolphustown was one of the most important townships of the Bay district. Though small and divided into two parts by Hay Bay, it possessed an importance beyond its size or population. It was here that the Loyalists landed and from it the settlement spread to adjoining townships. In it was a band of Quakers or Friends from Dutchess County, New York, many of whom had been fighters on the British side. Major Peter Vanalstine was the leader of the soldier settlers, and Philip Dorland was the leading Quaker. The selection of Philip Dorland as member took place, and in September he started for the meeting in Newark. But there was a difficulty in the way. To take his seat he must first take the prescribed oath. This he could not do as a Quaker. This matter came up for consideration immediately after Colonel Macdonell had been elected speaker. A statement of the case, signed by Dorland, was presented, and the House at once decided that the seat be declared vacant, and a new election held. When the people met once more to consider the situation they selected Major Peter Vanalstine as their representative, and he appeared and took his seat at the second session.

In Dr. Canniff's settlement of Upper Canada, it is stated that Peter Vanalstine was major only by courtesy and that he came as a non-combatant at the head of a party of non-combatant farmer Loyalists to settle this beautiful little township. This statement has

been repeated again and again, but it is incorrect. Through the courtesy of Rev. W. O. Raymond of St. John, N.B., I have been permitted to examine a muster roll of batteau men organized and directed by Captain Peter Vanalstine, and in his evidence before the Claims Commission, Vanalstine refers to his military service. Major Vanalstine was of Dutch ancestry, he came from near Albany, New York, and spoke English with quite a foreign accent. After living for some years in Adolphustown he moved across the bay to Prince Edward, where he had large holdings of land and started the mill at the most picturesque spot of the Bay district, the lake on the mountain. He returned to Adolphustown and died at his old home in 1811. He was succeeded in 1796, by David McGregor Rogers, the son of Major James Rogers, and the nephew of the celebrated ranger, Robert Rogers. David McGregor Rogers was at the time living on a large military land grant at West Lake. David McGregor Rogers sat in the Legislature of Upper Canada from this time until his death in 1824, with the exception of one Parliament. His record, therefore, was for 24 years, the longest of any member of the Upper Canada House of Assembly. Reference to the Rogers family may be found in a paper printed in the transactions of the Royal Society of Canada, 1900. "Rogers, Ranger and Loyalist," by Walter Rogers.

Durham, York and 1st Lincoln.—The County of Durham extended from Northumberland west to the end of Long Beach in Darlington township, and north as far as the Mississaga Tract. It represented very nearly the county of the present day. York consisted of two ridings or parts: The east, including the present counties of York and Ontario; and the west, the northern half of Wentworth County. Between these two lay an Indian Reserve, now forming the counties of Halton and Peel. The county of Lincoln comprehended the Niagara Peninsula, and included Ancaster, Barton, Saltfleet, Glanford and Binbrook townships of the present county of Wentworth, together with the present counties of Lincoln and Welland. Lincoln was divided into four ridings. The first riding consisted of the following townships:—Ancaster Barton, Saltfleet, Glanford, Binbrook, Caistor, Gainsboro, Grimsby and Clinton. Durham, York and 1st Lincoln were to elect one member who would, therefore, represent the settlers on Lake Ontario from Port Hope to a little beyond Beamsville. The great bulk of the settlers were around the head of the lake from Hamilton southeast. The man selected was Nathaniel Pettit, of Grimsby. He had been a member of the Land Board of Nassau since 1788, and his name was one of the list sent home by Lord Dorchester from which to select the Legislative Council. Jonathan and Deborah Pettit lived in the State of Pennsylvania. Part of their land was in New Jersey. There

were two sons, Andrew and Nathaniel. Andrew married Sarah Smith in 1780, and in 1787, with wife and four children started for British territory. They crossed the Niagara in July, and within two weeks erected their log house on lot 15, Grimsby township. Andrew Pettit died 12th March, 1819. He is the ancestor of the Pettits of that section. His brother Nathaniel lived on a farm between Grimsby and Beamsville. He owned the land on which Grimsby now stands. Nathaniel Pettit owned lot No. 9 in the first and lot No. 9 in the second concession; Andrew Pettit owned lot No. 15 in the first and second concessions and the broken front; and John Pettit owned lot 12 on the front and in the first and second concessions. Grimsby village is situated on lot 9 in the first concession, and lots 9 and 10 in the second concession.

Nathaniel Pettit was commonly known as Judge Pettit. He never married. Some descendants of his brother are of opinion that he returned to New Jersey; others think that he died and was buried on his own farm on the lake front. He was succeeded in 1796, as member, by Richard Beasley.

The Second Riding of Lincoln was given one member. This riding consisted of the following townships:—Louth, Grantham and Newark, the three northwestern townships of the present county of Lincoln. Benjamin Pawling of Grantham township was a member of the first Legislature and as he lived in the second riding, it is a fair surmise that he was its representative.

Benjamin and Jesse Pawling were brothers, sons of a Welshman who had settled in Pennsylvania. At the outbreak of the Revolutionary War they refused to take up arms against the British, and their property was confiscated or burned. Driven out, they made their way to Nova Scotia, whence by walking and canoeing they reached Quebec. Here they enlisted and fought till peace was proclaimed. Benjamin was a Captain-Lieutenant in Butler's Rangers, and at the close of the war was advanced to be a Colonel. He was reported at Detroit about 1784, evidently intending to settle there, but he left for Niagara and drew land on the lake front immediately east of Port Dalhousie. Jesse's land was to the west of this. Benjamin was employed as a surveyor in the early days and was appointed a member of the first Land Board of Nassau in 1788. His oldest son Henry was a Captain of Militia during the war of 1812-14, and was a trusted carrier of despatches between Niagara and Detroit. He was present at the battles of Stoney Creek and Lundy's Lane. Henry Pawling's daughter married William Pay who is still living at St. Catharines, and who remembers the destruction of the Caroline, for he stood sentry on the Canadian side as she went over the Falls. There are

descendants also of Jesse Pawling, the elder brother of Benjamin, still living in the Niagara Peninsula.

According to the Niagara records, Colonel Benjamin Pawling, of Twelve Mile Creek, was buried on 16th December, 1818, by Rev. Mr. Addison of St. Andrews Church, Niagara.

Samuel Street was elected in 1796, as a member of the second Legislature, and I am inclined to place him as the representative of 2nd Lincoln.

The Third Riding of Lincoln was given one member. This riding consisted of the following townships which now form part of Welland County:—Stamford, Thorold and Pelham. Isaac Swayzie was a member for one of the Lincolns, and I am disposed to place him in the 3rd, in which he lived. If not member for the 3rd, he must have been member for the 4th. Strange to say I have found the greatest difficulty in placing the members who represented the ridings adjacent to Newark, and in obtaining personal notes as to them. In Lord Dorchester's list, Isaac Swayzie is entered as "Pilot to the New York Army." He is referred to by some as a noted scout, and this whets our desire to know something of his interesting early career. He lived in Thorold township and held a position as a Magistrate of the Home District. He had a son, Richard Swayzie, who was born at Elizabeth, New Jersey, in 1775, whose daughter married a Mr. Church. In Vol. I., page 616, of Mr. John Ross Robertson's "History of Freemasonry in Canada," I find this reference:—

"Brother Isaac Swazie and Brother Parshall Terry had the monopoly of contracts for the supply of the fort at York. Brother Swazie was originally a member of Lodge No. 7, New Jersey, and was initiated in 1776, receiving his E.A. and F.C. in the United States, and affiliating as an F.C., was raised to the sublime degree of a M.M. in 1801 in Lodge No. 2 at Niagara."

One other item may be credited to him, and that is that the old well-known apple, Swayzie Pomme Gris, was originated on his farm. He was not a member of the second Legislature, but sat in succeeding Houses as follows:—

3rd Parliament, 1801 to 1804, for 2nd, 3rd and 4th Lincoln, along with Ralfe Clench.

4th Parliament, 1805 to 1808, for 2nd, 3rd and 4th Lincoln.

6th Parliament, 1813 to 1816, for 4th Lincoln.

The old Niagara church records published in Vol. III., of the "Paper and Records of the Ontario Historical Society," contain some Swayzie items. There are baptisms of the children of Isaac and Eleanor Swayzie, one of whom, Wm. Dickson Swayzie, was married on 3rd of March, 1830, to Mary Durham. Mrs. Mary Durham Swayzie

is still living in New York at the fine old age of 93. She remembers the British officers stopping at her father's home on the North River Road toward the close of the war. She says Isaac Swayzie died on his farm about two miles from Niagara. According to the records he appears to have been married twice, first to Sarah Secord (daughter Catherine, born 13th March, 1793,) and afterward by Rev. Wm. Addison, on the 18th of September, 1806, to Lena Ferris (widow).

The Fourth Riding of Lincoln and Norfolk were together allowed one member. The fourth Lincoln consisted of the following townships:—Willoughby, Crowland, Bertie, Humberston and Wainfleet, Norfolk County extended west from Lincoln and the west riding of York as far as the River Barbue or Orwell (now called Catfish Creek). The northern boundary was the Thames, and Lake Erie of course formed the southern limit. Norfolk, therefore, included all of Haldimand and part of Elgin, also parts of Brant, Oxford and Middlesex. Most of Haldimand was Indian lands. The settled portion consisted mainly of the townships of Welland County, named as the 4th Lincoln, with Fort Erie as headquarters. Who was the member elected? We are certain that Pettit, Pawling and Swayzie were three of the Lincoln members, for their names appear in the journals of the first and second sessions, but who was the fourth? That is the question that has puzzled me and I am compelled to state that I cannot answer the question satisfactorily. Dr. Canniff, in his list has a name as follows “— Young,” but he gives no riding for any member. No such name appears in the journals, which mention only fifteen names in all. Through the kindness of Mr. Phileas Gagnon I had the Quebec almanacs searched and find the following list in that for 1796, without mention of any constituencies:

HOUSE OF ASSEMBLY OF UPPER CANADA.

John McDonnell, Esq., Speaker.

Nanthanial Pettit.

Isaac Swayze.

Hazleton Spencer.

Ephraim Jones.

Joshua Booth.

Peter Vanalstyne.

Benjamin Pawling.

David Wm. Smith.

John White.

Jeremiah French.

Francis Baby.

Pashal Tarry.

Hugh McDonell.

Angus McDonell, Esq., Clerk.

The list of fourteen names supplied a new name which should read I have no doubt “Parshall Terry.” It suggests a number of questions. Why only fourteen? Why the new name of Terry? As referred to before he was associated with Swayzie in the supplies for

the fort at York. After the removal of the Government to York, he appears to have taken up his residence there and to have conducted a milling business in the valley of the Don. Was Young first elected and then for some reason or other compelled to drop out? The journals might tell us, but those of the 3rd, 4th and 5th sessions are lacking. If we accept the almanac list, Terry was the member in 1795. Who was the —— Young? There were several of that name in the Niagara district. There were two John Young's, both associated with St. Andrew's Church at Niagara. One was a merchant and had holdings of land opposite. Youngstown was named after him. He was drowned in Lake Ontario while returning from Montreal on 29th July, 1840. A tablet in St. Andrew's Church, Niagara, states that he was 73 years of age at the time of his death. If he were the member, he would have been only 25 years of age when elected. There was also a Peter Young, a merchant at Vittoria in the early days.

Suffolk and Essex counties were together to have one representative. Suffolk had a frontage on Lake Erie from Catfish Creek to Point of Pines and extended back to the Thames. It, therefore, included the western part of Elgin county, and the eastern part of Kent county, as these at present are constituted. Essex took in the rest of the country westward to the Detroit, and included all of Essex and the remainder of Kent county, except a strip four miles wide that was marked off by a line running from Maisonville's mill on the Detroit east to the Thames. The settlers were mainly in "the two connected townships," Gosfield and Colchester, and along the Detroit River toward the present town of Sandwich. Who was the member for Suffolk and Essex? In most of the lists given, the name is Mr. Baby, and some writers have conjectured that it was Mr. James Baby. Referring to the Quebec Almanac list we find that it was Francis Baby. In only one historical work have I seen the name correctly given and that is in Dean Harris' "History of the Roman Catholic Church in the Niagara Peninsula," wherein he states that there were three members of the Roman Catholic Church in the first Legislature, namely, the two Macdonnells from Glengarry and Francis Baby. James Baby had been appointed one of the first members of the Legislative Council on the 16th July, therefore, it could not have been he. I think we may set it down as settled that the member was Francis Baby, who lived on the east side of the Detroit River in, or on the borders of, the present town of Sandwich. I have seen the statement that when General Hull invaded Canada, he established his headquarters in the partially completed house of Francis Baby.

The Baby family was prominent in the west. When Quebec was taken in 1759, and Montreal capitulated in 1760, Major Rogers was

sent by General Amherst to proceed westward and take over the posts of Michigan. The negotiations between Rogers and Bellestre, Commander of Detroit, were carried on through M. Babee for the French and M. Brehme for the British. This was doubtless Jacques Duperon Baby, the son of Raymond Baby and grandson of Jacques Baby de Rainville, who came to Canada from Guienne, France, with the Carignan Regiment. Duperon Baby was appointed in 1788, a Justice of the Court of Common Pleas for Hesse, being associated with Alexander McKee and William Robertson. He was born in 1738, and died at Sandwich in 1796. He was the only French-Canadian fur merchant at Detroit. On the 20th November, 1760, he married Mlle. Suzanne de la Croix Reaume. There were eleven children, seven sons and four daughters. The four daughters married Caldwell, Thomas Allison, Ross Lerin and Bellingham (afterwards Lord Bellingham). Daniel, Antoine and Louis entered the British Army; Pierre studied medicine in Edinburgh, and returned to practise in Upper Canada; Jean Baptiste was one of the members for Kent in the fifth Parliament (1809-12). William L. was another son. Jacques, or James, the eldest of the family, was educated at Quebec and in Europe, was made a Judge of the Court of Common Pleas and an Executive Councillor.

Francis Dufresne Baby, member of the Executive Council of Quebec, was a younger brother of Jacques Duperon Baby.

The children of Honourable James Baby, and Eliza Abbot were as follows:—Jacques, a lawyer of Toronto; Raymond, sheriff of Kent; Charles and William of Sandwich; and Eliza who married Hon. Charles Casgrain, son of Pierre Casgrain, Seigneur de la Bouteillerie. Thérèse Baby, daughter of Jacques Duperon Baby, married (1) John Cassidy, (2) Thomas Allison. Her daughter, Susanne Allison, married Philippe Aubert de Gaspé.

The successor of Francis Baby in the representation of Suffolk and Essex in 1796, in the 2nd Parliament, was John Cornwall of Colchester.

Kent county was granted two representatives. It included everything left over from the other eighteen counties. The following is the description in the proclamation:—

“Which County is to comprehend all the country not being territories of the Indians, not already included in the several counties hereinbefore described, extending northward to the boundary line of Hudson's Bay, including all the territory to the westward and southward of the said line to the utmost extent of the country commonly called or known by the name of Canada.”

This was a large county, surely, but the voters were included in a strip four miles wide along the south shore of Lake St. Clair, and in the town of Detroit.

The two members chosen were William Macomb and David William Smith. They were or had been residents of Detroit, at which place no doubt the election took place (27th August, 1792).

John Macomb was a North of Ireland man. His home was at Dunturkey, county Antrim. He married Jane Gordon of the Scottish House of Gordon. He established the first line of sailing vessels between Belfast and New York. Coming out to America about 1750, he settled for a time at Albany, where he was appointed a magistrate. He engaged in the business of furnishing supplies for the British posts from Montreal to Detroit, and for nearly half a century the name of Macomb occurs in connection with the trade of the lakes and St. Lawrence. He had three children, Alexander, William and Ann. The two brothers followed their father's business and as partners had their headquarters at Detroit. Alexander married Catherine Navarre, daughter of Robert Navarre. She was born at Detroit in 1757, and died in New York in 1789. This Alexander was born at Belfast in 1748. He was the man interested in the Macomb purchase along the St. Lawrence in northern New York, though it is claimed that his brother William provided some of the funds. Alexander was the father of Alexander Macomb, a United States general in the war of 1812. He defeated Prevost in the battle of Plattsburg (11th September, 1814). From 1828 to 1841 he was Commander-in-Chief of the United States Army. Born at Detroit on 13th April, 1782, he died at Washington, D.C., 25th June, 1841. A monument to his memory is being erected at Detroit.

Ann Macomb was born in Ireland, 1753. She married (1) Colonel Francis Von Phister, who was killed at Bennington, 1777; (2) Thomas Bennett, of Detroit, in 1782.

William, the member, was perhaps the largest land owner at Detroit, being the possessor of most of the American islands in the river, and also of a large farm (the Cass farm) now in the very heart of the finest residential portion of the city. He married (1) Sarah Jane Dring, daughter of General Dring, and (2) Miss Gallant (a Huguenot). After his death his widow married Captain Betton, Commander of the King's forces on the lakes. She died in New York in 1846. William had eleven children, eight of whom were living at the time of his death. He died in 1796, just about the time that Detroit was evacuated. His will, dated 11th April, 1796, is on register at Sandwich. In it he mentions his father, so that it is probable the

latter survived his son. Whether he died at Sandwich or at Detroit is uncertain, but the family tradition is that he died at Detroit, was buried there in old St. Paul's Churchyard, Woodward Avenue, which is now covered with stores. His surviving children were John W., William, David, Ann, Catherine, Sarah, Jane, Eliza. William J. married Monique Navarre, grand-daughter of Robert Navarre.

It is interesting to note that Mr. W. D. Balfour, M.P.P., for South Essex, 1882-96, married Josephine Broadhead, a great grand-daughter of William Macomb, the member for Kent in 1792-96, and that Mr. W. J. McKee, M.P.P., for South Essex, 1896-1902, married Mary Baby, daughter of Charles Baby and grand-daughter of Hon. Jacques Baby, the representative of the western district in the Legislative Council.

Though most of the descendants of William Macomb are residents of the United States, he was loyal to the British cause. As his name does not appear in the Quebec Almanac for 1796, the presumption is that, through illness or some other cause he may have dropped out of the Legislature. The name of Alexander Campbell is also left out of that list—the suggestion in his case is that he had removed from Upper Canada.

As showing the manner of man William Macomb was, the following extract from Governor's Hamilton's Report on the Detroit Post may be reproduced:—

“Mr. Macomb deserves that I should add thus much on this subject. When I had occasion to make purchases of provisions and goods on account of the Crown, the traders in general refused or scrupled to accept my orders or drafts, this person made no hesitation and from the beginning of the year 1773, to the present time, has furnished goods at a more reasonable rate than any other merchant. If his prices are compared with goods taken up for the Crown at other posts, I am well assured that they will be found more moderate. The distance and risk from Niagara to this place might make a considerable difference in Mr. Macomb's charges. I am told he has sold cheaper here than they have at Niagara. He has never charged commission or expenses, though he has given himself a vast deal of trouble in the purchase of Indian corn, flour, cattle, etc. He has advanced on the credit of the Crown to the amount of \$12,000 New York currency at one time, though his place at that period was threatened with an attack by the rebels. While I enlarge on this subject, I but do justice to a perfectly honest man, who I believe has so far defied envy as to have the suffrages of his rivals in trade.”

This extract was furnished by Mr. C. M. Burton of Detroit.

David William Smith was the son of John Smith, major of the 5th Regiment, stationed at Detroit from 1790 to 1792. As commanding officer the father was chairman of the Land Board of Hesse. D. W. Smith was at this time an ensign in his father's regiment. At the meeting of the Board, held 30th July, 1790, Major John Smith appears for the first time as chairman, and D. W. Smith as secretary. Two years after this the Major was transferred to Fort Niagara, and there he remained till his death, in 1795. The son, D. W. Smith, was transferred at the same time. Lt.-Governor Simcoe thus refers to the young member, for he was, at the time of his election, only 28 years of age:—

"His Majesty's service has been essentially promoted by Lieutenant Smith, the son of Major Smith, who commanded for the last two years at Detroit, being elected by the inhabitants of that district into the Assembly. This gentleman owes this distinguished mark of favour to the singular gratitude of the people for the attention which he showed and the liberality and disinterestedness of his proceedings as Clerk, and indeed as the official person of the Land Board in that district." (Archives of Canada, 1891, page xxii.)

D. W. Smith studied law and was called to the Bar. He held many important and responsible positions under the Lt.-Governor, deputy judge, surveyor-general of lands, trustee of the six nations, etc. He moved to Newark and spent most of his time in connection with the land surveys and grants of land. He was made an Executive Councillor on the 2nd of March, 1796. At the elections for the second legislature he was returned, not for Kent, but for one of the Lincolns. I am inclined to the opinion that it was for 4th Lincoln and Norfolk, as in the third parliament he was elected member for the new riding of Norfolk, Oxford and Middlesex. He had, I am told, a residence on the lake shore in Norfolk in addition to his residence at Newark. He was the Speaker of the second and third legislatures, and when he retired, in 1804, he was succeeded by Benajah Mallory. He returned to England and for some years managed the estate of the Duke of Northumberland. He was knighted in 1821, and died in 1837.

When D. W. Smith left Canada in 1804, he took with him a large quantity of papers, letters and maps that had an important bearing on the early settlement of this province. A few years ago they were placed on sale and were secured by Dr. James Bain, Librarian of the Toronto Public Library. These papers are now in that library. Among them is a copy of "A Memorandum of the dates of the Hon. D. W. Smith's Appointment," prepared by himself. It will be found in print in the report of the Association of Ontario Land Surveyors

for 1894, pages 146 and 147. The following statement of his Canadian appointments is reproduced:—

Ensign in the 5th Regiment of Foot	8th September, 1779
Acting Paymaster to the same.	8th September, 1780
Secretary of the Land Board, Detroit.. . . .	4th June, 1790
Secretary to the Commandant, Detroit.	4th June, 1790
Fort Adjutant	4th June, 1790
Assistant Engineer	1791
Deputy Quarter Master, Niagara.. . . .	12th April, 1792
Secretary to the Commandant, Niagara	12th June, 1792
Member of First Canadian Parliament	27th August, 1792
Justice of Peace.. . . .	27th August, 1792
Surveyor General of Lands	28th September, 1792
Deputy Judge Advocate	8th October, 1792
Member of all the Land Boards	27th October, 1792
Vice-President of Agricultural Society.. . . .	27th October, 1792
Articled to the Attorney-General.. . . .	2nd June, 1793
Called to the Bar.. . . .	7th July, 1794
Major to Provincial Horse Artillery	18th August, 1794
Captain in 5th Regiment of Foot.. . . .	2nd September, 1795
Privy Councillor.. . . .	2nd March, 1796
Deputy Lieutenant for County of Lincoln.	1st August, 1796
Member of 2nd Parliament.. . . .	18th August, 1796
Colonel of Lincoln Militia.	7th January, 1797
Judge of Court of Requests.. . . .	7th January, 1797
Speaker of House of Commons.. . . .	7th June, 1797
Commissioner for Examining Public Offices.	12th August, 1797
Trustee for the Six Nations.. . . .	10th October, 1797
Colonel of York Militia, 2nd Battalion.. . . .	1st June, 1798
Lieutenant of the County of York	3rd December, 1798
Master in Chancery.. . . .	17th July, 1799
Member of 3rd Parliament	18th August, 1799
Re-chosen Speaker	June 1801
Commissioner of Growth of Hemp	28th July, 1801
Commissioner for Administering the Government	1st September, 1801
Resigned my appointments and a pension for my services.	10th May, 1804

He was fairly entitled to his knighthood on his Canadian record alone.

The list gives us the date of the general elections for the 1st, 2nd and 3rd parliaments, and also the date of organization of the first Agricultural Society of Upper Canada.

Among the valuable contributions to Upper Canadian history by D. W. Smith, is the Gazetteer of 1799 with the accompanying map. The reprint in the Canadian Journal of 1876, with annotations by Rev. Dr. Scadding is, however, of more value than the original scarce volume. In the Toronto Public Library collection of Smith papers

is a manuscript map of the province of 1792 based on Simcoe's Proclamation.

Thomas McKee and Thomas Smith were chosen to represent Kent in the second House. Thomas McKee was the son of Colonel Alexander McKee, who had been the Indian Agent at Pittsburg before the War. He was the great grandfather of W. J. McKee, M.P.P., who, from 1896 to 1902 represented practically the same riding. Thomas Smith was the secretary of the Land Board of Hesse before D. W. Smith was appointed. I find this note about him: "Loyalist, came into Niagara in '76 with a plan of Fort Stanwix and Intelligence."

These are the men who formed the first Legislative Assembly of Upper Canada. We have located them all, with the exception of one doubtful case. The legislature was not the all-powerful body a century ago that it is to-day, but it was the beginning of responsible government, and it should add interest to our study of provincial development to know something of the men who initiated that movement. The study of men adds interest to the study of measures.

I give herewith a list of the members of the first Legislative Assembly, 1792-1796, and of the second Legislative Assembly, 1796-1800. It will be seen that only two members sat in both assemblies, namely, John Macdonell, the Speaker of the first, and David William Smith, the Speaker of the second. In 1800 the province was rearranged to provide for 19 members.

Glengarry, 1st Riding	{ 1792 to 1796....Hugh Macdonnell 1796 to 1800....Richard Wilkinson
Glengarry, 2nd Riding	{ 1792 to 1796... John Macdonell (Speaker) 1796 to 1800 ...John Macdonell
Stormont.....	{ 1792 to 1796....Jeremiah French 1796 to 1800....Robert I. D. Gray
Dundas.....	{ 1792 toAlexander Campbell 1796 to 1800....Thomas Fraser
Grenville ...	{ 1792 to 1796....Ephraim Jones 1796 to 1800....Dr. Solomon Jones
Leeds and Frontenac	{ 1792 to 1796....John White 1796 to 1800....Edward Jessup
Addington and Ontario	{ 1792 to 1796....Joshua Booth 1796 to 1798....Christopher Robinson 1800....William Fairfield

ing to our investigations, the names of "David Wm. Smith" and "Francis Baby" should be interchanged. What does it settle? First, that "— Young" as a member is a mistake, and that *Parshall Terry* was the member elected for 4th Lincoln and Norfolk. Secondly, the list of members for the Lincolns is the same as I had already worked out. The spelling of the names on this list is incorrect in many cases. Petit should be Pettit; McDonell should be Macdonell; McComb, Macomb; Swazye, Swayze, etc., but the most interesting is the changing of the name of the long lost member for 4th Lincoln from Parshall Terry to Partial Jerry.

UPPER CANADA : LIST OF MEMBERS OF THE HOUSE OF ASSEMBLY OF
UPPER CANADA.

Hugh McDonell.....	First Riding.....	Glengarry
John McDonell	Second Riding.....	Glengarry
Jeremiah French.....		Stormont
Alex. Campbell.....		Dundas
Ephraim Jones.....		Grenville
John White.....		Leeds and Frontenac
Joshua Booth.....		Ontario and Addington, Prince Edward
Philip Dorland.....		Northumberland
Hazelton Spencer.....		Lennox, Hastings
Nathaniel Petit.....	First Riding.....	York, Lincoln
Benj. Pauling.....	Second Riding.....	Lincoln
Isaac Swazye.....	Third Riding.....	Lincoln
Partial Jerry.....	Fourth Riding.....	Lincoln, Norfolk
David W. Smith.....		Suffolk and Essex
William McComb }		Kent
Francis Baby }		

N.B.—Philip Dorland, Esq., vacated his seat by refusing to take the oath prescribed by the Act of Parliament, and a new writ was issued for the county to return another member. (Mr. Dorland is a Quaker.)

(*The Quebec Magazine*, December, 1792.)

